

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

F.A.Y. PROPERTIES, INC.,
an Illinois corporation

Plaintiff/Counterdefendant

v.

Case No. 07 C 7045

R.J. REYNOLDS SMOKE SHOP, INC., a
Delaware Corporation, of itself and doing business
as MARSHALL MCGEARTY TOBACCO
ARTISANS; and R.J. REYNOLDS TOBACCO
COMPANY, a North Carolina corporation

Defendants/Counterplaintiffs

PLAINTIFF'S MOTION TO RESCHEDULE PRETRIAL CONFERENCE

Plaintiff, F.A.Y. Properties, Inc., by counsel, moves the court for an order rescheduling the pretrial conference, currently scheduled to take place on April 3, 2008 at 10:40 a.m. In support of this motion, plaintiff F.A.Y. Properties states as follows:

1. This action was commenced by the filing of plaintiff's two-count complaint on December 14, 2007.
2. Each of the two defendants herein filed an answer to the complaint, and a counterclaim against plaintiff F.A.Y. Properties on February 14, 2008.
3. On March 5, 2008, plaintiff F.A.Y. Properties filed a reply to the counterclaim with this court.
4. The minute order entered herein on March 4, 2008, among other things, scheduled *sua sponte* a pretrial conference for April 3, 2008. The undersigned, Thomas E. Baltz, is scheduled to be in Colorado between April 2, 2008 and April 7, 2008 for the wedding of a close family friend. This Colorado trip has been scheduled since November of 2007.

5. The undersigned is the sole attorney of record for plaintiff F.A.Y. Properties, and is the only litigation attorney in his firm.

6. The undersigned, as counsel for plaintiff F.A.Y. Properties, anticipates having no difficulty complying with all other aspects of the minute order entered March 4, 2008. In light of his scheduling conflict with the currently scheduled pretrial conference, however, the undersigned respectfully requests that this court strike the April 3, 2008 pretrial conference, and reschedule the same for a date and time mutually convenient to the court and to all counsel herein.

7. On March 5, 2008, the undersigned spoke with counsel for defendants in this action, Christopher Esbrook, and Mr. Esbrook stated that defendants do not oppose or object to the instant motion. Further, the undersigned confirmed with Mr. Esbrook that counsel for all parties could be available for a rescheduled pretrial conference to take place any time between Tuesday, April 8, and Friday, April 11, 2008. If none of these dates are available to the court, another date and time for the pretrial conference could be arranged.

WHEREFORE, for the foregoing reasons, plaintiff F.A.Y. Properties respectfully moves the court for an order striking the currently scheduled pretrial conference of April 3, 2008 and rescheduling the same for a date and time mutually convenient to the court and counsel of record.

Respectfully submitted,

s/ Thomas E. Baltz
Thomas E. Baltz #623239
GREY, GREY & BALTZ, P.C
Counsel for Plaintiff F.A.Y. Properties, Inc.
11 South LaSalle, Ste. 1320
Chicago, IL 60603
(312) 782-2610

CERTIFICATE OF SERVICE

I, Thomas E. Baltz, an attorney, do hereby certify that a copy of the PLAINTIFF'S MOTION TO RESCHEDULE PRETRIAL CONFERENCE was served pursuant to Electronic Case Filing before the hour of 5:00 p.m., on this 6th day of March, 2008 upon:

Mr. Barack S. Echols
Mr. Christopher J. Esbrook
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

s/ Thomas E. Baltz
Thomas E. Baltz